

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF WISCONSIN**

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

**SARAPHINO'S INC., d/b/a SARAPHINO'S
ITALIAN RESTAURANT and RUSHAN
SINANI**, as an individual,

Defendants.

Case No.: 09-cv-954

Hon. J.P. Stadtmueller

**SECRETARY OF LABOR'S MOTION FOR SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, PARTIAL SUMMARY JUDGMENT**

COMES NOW, plaintiff, **HILDA L. SOLIS**, Secretary of Labor, United States Department of Labor, by her undersigned counsel and pursuant to Rule 56 of the Federal Rules of Civil Procedure and Civil L.R. 56, hereby respectfully moves for summary judgment on the grounds that there is no genuine issue as to any material fact and that plaintiff is entitled to judgment as a matter of law under the Fair Labor Standards Act of 1938, as Amended, 29 U.S.C. § 201 *et seq.* (hereinafter the "Act"). As grounds therefore, the Secretary submits the following:

1. The pleadings; defendants' responses to the Secretary's interrogatories, requests for production of documents, deposition; company records; and declarations, show that there is no genuine issue of material fact.¹
2. Plaintiff, as a matter of law, is entitled to judgment finding that defendants constitute an enterprise engaged in commerce or in the production of goods for commerce within the meaning of sections 3(r) and (s) of the Act, and that they violated

¹ Plaintiff attempted to obtain a Stipulation of Material Facts; however, defendants have not responded to the proposed Stipulation.

the minimum wage, overtime, and record keeping provisions of sections 6, 7 and 11(c) of the Act.

3. Plaintiff, as a matter of law, is entitled to judgment, pursuant to section 17 of the Act, restraining defendants from violating the minimum wage, overtime, and record keeping provisions of the Act and for a judgment, pursuant to section 16(c), ordering payment in the amount of \$23,629.78 in unpaid minimum wage and overtime compensation due employees under the Act and for an equal amount of liquidated damages for the total amount of \$47,259.56.²

WHEREFORE, the Secretary moves for entry of summary judgment in her favor in accordance with the foregoing or, in the alternative, if the court finds a genuine issue as to a material fact with respect to damages or other issues, then entry of partial summary judgment on all remaining issues.

Respectfully submitted,

M. PATRICIA SMITH
Solicitor of Labor

JOAN E. GESTRIN
Regional Solicitor

s/ Linda J. Ringstad
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Attorneys for **HILDA L. SOLIS**,
Secretary of Labor, United States
Department of Labor, Plaintiff

² Huriel Rizo and Jose Sisneros Lopez are not included in this motion.